

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SARA BLOSSOM DE PONCE, et al.,)	
)	
Plaintiffs,)	Case No. 5:04-cv-204
)	
v.)	Hon. Nancy G. Edmunds
)	
RESIDENTIAL OPTIONS, INC., et al.,)	
)	
Defendants.)	
)	

ORDER REGARDING MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM

This is a civil rights action brought on behalf of an adult autistic man by his mother and Next Friend. Plaintiffs are represented in this matter by counsel. Plaintiffs allege a federal cause of action under 42 U.S.C. § 1983, along with pendent state-law claims arising from alleged mistreatment of Fernando Noe Ponce, a disabled adult. Presently pending before the court is plaintiffs' motion for the appointment of a guardian *ad litem* to act on behalf of Mr. Ponce.

Rule 17(c) of the Federal Rules of Civil Procedure grants the court discretion to appoint a guardian *ad litem* for an incompetent person. Because a settlement is contemplated, appointment of a guardian to review the proposed settlement on behalf of Fernando Ponce appears prudent. The motion nominates a person named Michael Behan to act as the guardian *ad litem*. A guardian *ad litem* acts as an officer of the court. Plaintiffs have not provided the court with any information about Mr. Behan or his qualifications to act as guardian *ad litem*, nor have plaintiffs divulged any proposed compensation arrangement, if any, contemplated for Mr. Behan.

While the court concludes that appointment of a guardian would be prudent, it requires more information to exercise its discretion. Plaintiffs are directed to supplement their motion no later than **January 5, 2006**, by filing an affidavit establishing the qualifications of the nominee for that position, the proposed compensation, and a written consent of the nominee to act as guardian *ad litem*.

DONE AND ORDERED this 21st day of December, 2005.

/s/ Joseph G. Scoville
United States Magistrate Judge